

# United States Senate

WASHINGTON, DC 20510

May 9, 2019

The Honorable Joseph Simons  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

The Honorable Noah Phillips  
Commissioner  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

The Honorable Rohit Chopra  
Commissioner  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

The Honorable Rebecca Slaughter  
Commissioner  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

The Honorable Christine Wilson  
Commissioner  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Chairman Simons, Commissioner Phillips, Commissioner Chopra, Commissioner Slaughter, and Commissioner Wilson:

We write regarding Amazon's "Echo Dot Kids Edition" — an internet-connected "smart speaker" intended for children under age 13— and potential children's privacy violations arising from its use.

Voice recognition technology and artificial intelligence tools such as the Echo Dot Kids Edition have the potential to enrich and educate kids, including through music and storytelling. But these devices also present significant privacy concerns. The Echo Dot Kids Edition captures not only the voice recordings of the children who speak to it, but also vast amounts of their personal information. Although the Echo Dot Kids Edition is subject to the Children's Online Privacy Protection Act (COPPA), new evidence suggests it (1) does not meet COPPA's notice standard; (2) fails to comply with the Act's parental consent requirement, and (3) does not allow parents to delete their children's private information. We address each of these potential statutory violations below.

First, under COPPA, online entities such as Amazon must provide direct notice to parents — and obtain verifiable parental consent, with limited exceptions — before collecting personal information online from children. This notice must include specific details about what type of information is collected, how that information is used and what is shared with third parties. However, while the direct notice message on Amazon’s “Parental Consent” screen describes the types of data the Echo Dot Kids Edition *may* collect, it does not provide a detailed list of the types of data the device *actually* collects.

Additionally, the parental notice accompanying the Echo Dot Kids Edition does not appear to disclose to parents Amazon’s use of children’s data and the extent to which Amazon shares it with third parties. Amazon’s “Children’s Privacy Disclosure” does not detail how the device shares information, and it is not clear which portions of Amazon’s general and lengthy “Privacy Notice” apply to data sharing through the Echo Dot Kids Edition. Researchers were unable to identify the data Amazon shares with “skills” — Amazon’s word for “apps” available through the Echo Dot Kids Edition — of which nearly 85% listed in the Amazon Alexa store do not even have a privacy policy.<sup>1</sup>

Second, Amazon’s mechanism for obtaining parental consent for the Echo Dot Kids Edition’s collection of children’s data appears to be insufficient under COPPA. According to the law, an operator’s consent processes must be reasonably designed, using available technology, to confirm that the individual giving consent is the user’s parent. However, the Echo Dot Kids Edition’s method of obtaining consent for the collection of children’s personal information evidently fails to ensure that the individual providing the consent is indeed the user’s parent.

Under FTC rules, one way an operator can ensure a parent is providing consent is through a financial transaction that will alert the primary account holder. But Amazon does not specify that the account holder must be the parent of the child user. A review of Amazon’s system reveals that it prompts the person creating the account to simply “[v]erify you’re an adult” (not necessarily the parent). Additionally, new research suggests that children can easily “verify [they’re] adults” by providing the card numbers of debit gift cards that anyone, regardless of age, can purchase.<sup>2</sup>

Finally, new evidence shows that, when parents direct Amazon to delete their children’s information, Amazon does not fully comply with this request. COPPA requires device operators to provide parents with access to their children’s personal information so that they can review it and have it deleted. But a review of the Echo Dot Kids Edition shows that when parents have asked Amazon to delete recordings of their children, Amazon has kept information gleaned from those recordings.<sup>3</sup>

For example, researchers have documented instances in which the Echo Dot Kids Edition recorded a child speaking about her health information and address. The child’s parent then followed Amazon’s process for requesting deletion of the information communicated in the

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<sup>1</sup> *Request for Investigation of Amazon, Inc.’s Echo Dot Kids Edition for Violating the Children’s Online Privacy Protection Act*. Submitted to the Federal Trade Commission by the Institute for Public Representation at Georgetown Law on behalf of Campaign for a Commercial-Free Childhood (CCFC) and Center for Digital Democracy (CDD). (May 9, 2019).

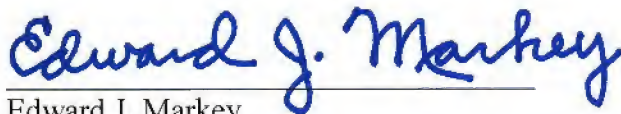
<sup>2</sup> *Id.* at 32.

<sup>3</sup> *Id.* at 38.

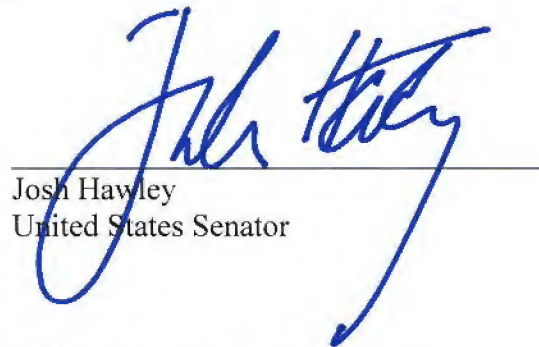
recording. But it appears that the device nonetheless “remembered” or retained the information in question. Researchers attempted to completely erase the child’s information from the device, but could not identify a method for doing so that would not preclude the child from using the device in a meaningful way.<sup>4</sup>

All the preceding raises serious concerns about the extent to which the Echo Dot Kids Edition complies with COPPA’s requirements for parental notice, consent, and the ability to delete information. Children are a uniquely vulnerable population. We urge the Commission to take all necessary steps to ensure their privacy as “Internet of Things” devices targeting young consumers come to market, including promptly initiating an investigation into the Amazon Echo Dot Kids Edition’s compliance with COPPA.

Sincerely,



Edward J. Markey  
United States Senator



Josh Hawley  
United States Senator



Richard Blumenthal  
United States Senator



Richard J. Durbin  
United States Senator

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<sup>4</sup> *Id.* at 39.